

AMENDED IN SENATE MARCH 27, 2014

SENATE BILL

No. 1377

Introduced by Senator Nielsen

February 21, 2014

~~An act to relating to public safety.~~ *An act to amend Sections 15819.40 and 15819.403 of the Government Code, relating to corrections, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1377, as amended, Nielsen. ~~Public safety: criminal justice realignment.~~ *Corrections.*

Existing law authorizes the Department of Corrections and Rehabilitation to design and construct new, or renovate existing, housing units, support buildings, programming space, and any necessary ancillary improvements in order to add capacity at facilities under the department's jurisdiction and to provide medical, dental, and mental health treatment or housing to inmates. Existing law authorizes the State Public Works Board to issue approximately \$2,000,000,000 in revenue bonds, negotiable notes, or negotiable bond anticipation notes for the construction of prison facilities and associated medical, dental, and mental health facilities.

This bill, in addition, would authorize the Department of Corrections and Rehabilitation to design, construct, or renovate prison housing units, prison support buildings, and programming space in order to add 16,000 beds at existing prison facilities. The bill would require that these new beds be supported by rehabilitative programming for inmates, including, but not limited to, education, vocational programs, substance abuse treatment programs, employment programs, and prerelease planning. The bill would authorize the department to acquire publicly

owned land, and to design, construct, renovate, establish, and operate rehabilitation and reentry program facilities throughout the state that will house up to an additional 16,000 inmates, and would also be used to house parole violators who are returned to physical custody. The bill would require these facilities to be secure facilities for inmates within one year of being released or rereleased from custody, and, to the extent possible, to be located in areas proximate to the jurisdiction in which the inmate is likely to reside following release. The bill would authorize the State Public Works Board to issue an additional \$2.8 billion in revenue bonds, negotiable notes, or negotiable bond anticipation notes for these purposes. The proceeds of these bonds or notes would be continuously appropriated to the board on behalf of the department for those purposes.

~~Existing law, the 2011 Realignment Legislation addressing public safety and related statutes, requires that certain specified felonies be punished by a term of imprisonment in a county jail for 16 months, or 2 or 3 years and provides for postrelease community supervision by county officials for persons convicted of certain specified felonies upon release from state prison or county jail. As part of the realignment of public safety services to local agencies, existing law establishes the Local Revenue Fund 2011 into which specified revenues are deposited and are continuously appropriated for the provision of public safety services, as defined.~~

~~This bill would express the intent of the Legislature to consider legislation to amend the 2011 Realignment Legislation.~~

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 15819.40 of the Government Code is
 2 amended to read:
 3 15819.40. (a) (1) (A) The Department of Corrections and
 4 Rehabilitation may design and construct new, or renovate existing,
 5 housing units, support buildings, programming space, and any
 6 necessary ancillary improvements in order to add capacity at
 7 facilities under its jurisdiction. The department shall complete site
 8 assessments at facilities at which it intends to construct or renovate
 9 additional housing units, support buildings, programming space,
 10 or ancillary improvements. The department may use the funding

1 provided in Section 28 of Chapter 7 of the Statutes of 2007 to
2 complete these site assessments.

3 (B) The authority contained in subparagraph (A) may be used
4 to develop new beds including appropriate programmatic space
5 pursuant to paragraph (2) and, together with the funds appropriated
6 in Section 15819.403 for this purpose, shall constitute the scope
7 of a single capital outlay project for purposes of calculating
8 augmentations pursuant to Section 13332.11 or Section 13332.19
9 as described in Section 15819.401.

10 (2) Any new beds constructed pursuant to this section shall be
11 supported by rehabilitative programming for inmates, including,
12 but not limited to, education, vocational programs, substance abuse
13 treatment programs, employment programs, and prerelease
14 planning.

15 (3) The authority contained in this subdivision may be used to
16 develop beds and treatment space to serve inmates requiring mental
17 health or medical services. Any beds developed with a medical or
18 mental health purpose shall be supported with rehabilitative
19 programming, as defined in paragraph (2), that is consistent with
20 the medical or mental health services required by the inmates.

21 (4) (A) *The Department of Corrections and Rehabilitation is*
22 *authorized to design, construct, or renovate prison housing units,*
23 *prison support buildings, and programming space in order to add*
24 *16,000 beds at existing prison facilities. This authorization is in*
25 *addition to the authorization in paragraphs (1) to (3), inclusive.*
26 *Any new beds constructed shall be supported by rehabilitative*
27 *programming for inmates, including, but not limited to, education,*
28 *vocational programs, substance abuse treatment programs,*
29 *employment programs, and prerelease planning.*

30 (B) *The authority contained in subparagraph (A) may be used*
31 *to develop new beds including appropriate programmatic space*
32 *pursuant to subparagraph (A) and, together with the funds*
33 *appropriated in Section 15819.403 for this purpose, shall constitute*
34 *the scope of a single capital outlay project for purposes of*
35 *calculating augmentations pursuant to Section 13332.11 or Section*
36 *13332.19 as described in Section 15819.401.*

37 (5) (A) *The Department of Corrections and Rehabilitation is*
38 *authorized to acquire state or other publicly owned property, and*
39 *to design, construct, renovate, establish, and operate rehabilitation*
40 *and reentry program facilities throughout the state that will house*

1 up to an additional 16,000 inmates. This authorization is in
2 addition to the authorization in paragraphs (1) to (4), inclusive.
3 These facilities shall be secure facilities for inmates within one
4 year of being released or rereleased from custody, and, to the
5 extent possible, be located in areas proximate to the jurisdiction
6 in which the inmate is likely to reside following release. Reentry
7 program facilities shall provide programming to inmates and
8 parole violators tailored to the specific problems faced by this
9 population when reintegrating into society. Persons housed in
10 these facilities shall receive risk and needs assessments, case
11 management services, and wraparound services that provide a
12 continuity of support services between custody and parole. These
13 facilities shall also be used to house persons returned to physical
14 custody for a parole violation, including removing or disabling a
15 global positioning system device, provided the term of
16 incarceration does not exceed one year. It is the intent of the
17 Legislature that to the extent possible, existing facilities, including,
18 but not limited to, former California Youth Authority facilities and
19 other similar facilities be used or converted for purposes of this
20 paragraph.

21 (B) The authority contained in subparagraph (A) may be used
22 to develop new beds including appropriate programmatic space
23 pursuant to subparagraph (A) and, together with the funds
24 appropriated in Section 15819.403 for this purpose, shall constitute
25 the scope of a single capital outlay project for purposes of
26 calculating augmentations pursuant to Section 13332.11 or Section
27 13332.19 as described in Section 15819.401.

28 (b) The Department of Corrections and Rehabilitation is
29 authorized to design and construct new, or renovate existing,
30 buildings and any necessary ancillary improvements, at facilities
31 under the jurisdiction of the department to provide medical, dental,
32 and mental health treatment or housing and, together with the funds
33 appropriated in Section 15819.403 for this purpose, this shall
34 constitute the scope and cost of a single capital outlay project for
35 purposes of calculating augmentations pursuant to Section
36 13332.11 or Section 13332.19 as described in Section 15819.401.

37 (c) (1) The scope and cost of each project authorized by this
38 chapter shall be established individually by the board. The amount
39 of the total appropriations in Section 15819.403 that is necessary
40 for each project shall be allocated to each project. The

appropriations may be allocated based on current estimates. These allocations may be adjusted commensurate to changes that occur during the progression of the projects. As allocations are made or adjusted, the anticipated deficit or savings shall be continuously tracked and reported. Once the total appropriation has been allocated, any augmentation necessary to fund an anticipated deficit shall be based on the total applicable capital outlay appropriation in Section 15819.403 and applied to each project allocation as necessary.

(2) Concurrent with the request to the board to establish each project in the Health Care Facility Improvement Program, the department shall report the associated scope, cost, and schedule information to the Joint Legislative Budget Committee.

(3) The reporting requirements set forth in Sections 7000 to 7003.5, inclusive, of the Penal Code shall apply separately to each project authorized pursuant to this chapter.

SEC. 2. Section 15819.403 of the Government Code is amended to read:

15819.403. (a) The board may issue revenue bonds, negotiable notes, or negotiable bond anticipation notes pursuant to this part to finance the design and construction, including, without limitation, renovation, and the costs of interim financing of the projects authorized in Section 15819.40. Authorized costs for design and construction, including, without limitation, renovation, and construction-related costs for all projects approved for financing by the board shall not exceed one billion six million three hundred sixty-nine thousand dollars (\$1,006,369,000) for paragraphs (1) to (3), inclusive, of subdivision (a) of Section 15819.40, two billion eight hundred million dollars (\$2,800,000,000) for paragraphs (4) and (5) of subdivision (a) of Section 15819.40, and one billion forty-six million five hundred seventy-nine thousand dollars (\$1,046,579,000) for subdivision (b) of Section 15819.40.

(b) Notwithstanding Section 13340, funds derived from interim financing, revenue bonds, negotiable notes, or negotiable bond anticipation notes issued pursuant to this chapter are hereby continuously appropriated to the board on behalf of the Department of Corrections and Rehabilitation for the purposes specified in Section 15819.40.

(c) For the purposes of this section, “construction-related costs” shall include mitigation costs of local government and school districts and shall be made available pursuant to subdivisions (c) and (d) of Section 7005.5 of the Penal Code. It is the intent of the Legislature that any payments made for mitigation shall be made in a timely manner.

(d) Notwithstanding any other law, the financing authorized in this section for projects approved pursuant to *paragraphs (1) to (3), inclusive*, of subdivision (a) of Section 15819.40 shall only be used for the California Health Care Facility, Stockton project and the conversion of the DeWitt Nelson Youth Correctional Facility to a semiautonomous annex facility to the California Health Care Facility. In addition, the financing authorized in this section for projects approved pursuant to subdivision (b) of Section 15819.40 shall only be used for the following projects:

(1) The California Medical Facility, Vacaville: Intermediate Care Facility.

(2) The California Institution for Women, Chino: Acute/Intermediate Care Facility.

(3) The California State Prison Los Angeles County, Lancaster: Enhanced Outpatient Program Treatment and Office Space.

(4) The California Men’s Colony, San Luis Obispo: Mental Health Crisis Beds Facility.

(5) The California Medical Facility, Vacaville: Enhanced Outpatient Program Treatment and Office Space.

(6) The California State Prison, Sacramento: Psychiatric Services Unit Treatment and Office Space.

(7) The California State Prison, Corcoran: Administrative Segregation Unit/Enhanced Outpatient Program Treatment and Office Space.

(8) The Salinas Valley State Prison, Soledad: Enhanced Outpatient Program Treatment and Office Space.

(9) The Central California Women’s Facility, Chowchilla: Enhanced Outpatient Program Treatment and Office Space.

(10) All projects established by the board in the Health Care Facility Improvement Program.

~~SECTION 1. It is the intent of the Legislature to consider legislation to amend the 2011 Realignment Legislation.~~

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